

## § 3465.2

### § 3465.2 Inspections and noncompliance.

#### § 3465.2-1 Inspections.

The authorized officer or his/her authorized representative shall have the right to enter lands under a lease or license to mine to inspect without advance notice or a search warrant, upon presentation of appropriate credentials, to determine whether the activities and conditions are in compliance with the applicable laws, regulations, notices and orders, terms and conditions of leases, licenses to mine or permits, and the requirements of the approved mining plan.

[44 FR 42638, July 19, 1979. Redesignated and amended at 47 FR 33149, July 30, 1982; 50 FR 8627, Mar. 4, 1985]

#### § 3465.2-2 Discovery of noncompliance.

(a) Upon discovery of activities or conditions that are not in compliance with the terms of a lease or license to mine, or with an approved permit (30 CFR part 741), but that do not pose a serious and imminent danger to the public or to resources and environmental quality, the authorized officer shall refer the matter to the Surface Mining Officer for remedial action, or take remedial action on matters of exploration outside the permit area.

(b) Upon discovery of activities or conditions that are not in compliance with the terms of a lease, license to mine, or with an approved permit and that do pose a serious and imminent danger to the health and safety of the public or to resources and environmental quality, the authorized officer may order the immediate cessation of the activities or conditions provided that the Surface Mining Officer is immediately informed of the issuance of any such emergency cessation order.

[44 FR 42638, July 19, 1979. Redesignated at 47 FR 33149, July 30, 1982; 50 FR 8627, Mar. 4, 1985]

#### § 3465.2-3 Failure of lessee or holder of license to mine to act.

Failure of a lessee or the holder of a license to mine to comply with an immediate cessation order issued under § 3465.3-2(b) or with a written notice of noncompliance issued by the Surface Mining Officer in accordance with part

## 43 CFR Ch. II (10-1-06 Edition)

3480 of this title or 30 CFR Chapter VII, Subchapter D, or by the authorized officer in accordance with part 3480 of this title, shall be grounds for suspension of the permit and may be grounds for cancellation of the license to mine, or in accordance with subpart 3452 of this title, the lease.

[44 FR 42638, July 19, 1979. Redesignated and amended at 47 FR 33149, July 30, 1982; 50 FR 8627, Mar. 4, 1985]

## PART 3470—COAL MANAGEMENT PROVISIONS AND LIMITATIONS

### Subpart 3471—Coal Management Provisions and Limitations

#### Sec.

##### 3471.1 Land description requirements.

##### 3471.1-1 Land description and coal deposit in application.

##### 3471.1-2 Land description in lease.

##### 3471.2 Effect of land transactions.

##### 3471.2-1 Disposal of land with a reservation of minerals.

##### 3471.2-2 Effect of conveyance to state or local entity.

##### 3471.3 Cancellation or forfeiture.

##### 3471.3-1 Protection of *bona fide* purchaser.

##### 3471.3-2 Sale of underlying interests.

##### 3471.4 Future interest, acquired lands.

### Subpart 3472—Lease Qualification Requirements

#### 3472.1 Qualifications.

##### 3472.1-1 Qualified applicants and bidders.

##### 3472.1-2 Special leasing qualifications.

##### 3472.1-3 Acreage limitations.

#### 3472.2 Filing of qualification statements.

##### 3472.2-1 Sole party in interest statement.

##### 3472.2-2 Contents of qualification statement.

##### 3472.2-3 Signature of applicant.

##### 3472.2-4 Special qualifications heirs, and devisees (estates).

##### 3472.2-5 Special qualifications, public bodies.

### Subpart 3473—Fees, Rentals, and Royalties

#### 3473.1 Payments.

##### 3473.1-1 Form of remittance.

##### 3473.1-2 Where submitted.

##### 3473.1-3 When paid.

#### 3473.2 Fees.

##### 3473.2-1 General fee provisions.

##### 3473.2-2 Exemptions from fee provisions.

#### 3473.3 Rentals and royalties.

##### 3473.3-1 Rentals.

##### 3473.3-2 Royalties.

##### 3473.4 Suspension of operations, production, and payment obligations.

## Bureau of Land Management, Interior

## § 3471.1-1

### Subpart 3474—Bonds

- 3474.1 Bonding requirements.
- 3474.2 Type of bond required.
- 3474.3 Bond conversions.
- 3474.4 Qualified sureties.
- 3474.5 Default.
- 3474.6 Termination of the period of liability.

### Subpart 3475—Lease Terms

- 3475.1 Lease form.
- 3475.2 Duration of leases.
- 3475.3 Dating of leases.
- 3475.4 Land description.
- 3475.5 Diligent development and continued operation.
- 3475.6 Logical mining unit.

AUTHORITY: 30 U.S.C. 189 and 359; and 43 U.S.C. 1701 *et seq.*

SOURCE: 44 FR 42643, July 19, 1979, unless otherwise noted.

### Subpart 3471—Coal Management Provisions and Limitations

#### § 3471.1 Land description requirements.

##### § 3471.1-1 Land description and coal deposit in application.

(a) Any application for a lease, lease modification, or license to mine shall include a complete and accurate description of the lands for which the lease, lease modification, or license to mine is desired.

(b) If the land has been surveyed under the public land rectangular survey system, each application shall describe the land by legal subdivision (section, township, and range), or aliquot part thereof (but not less than 10 acres).

(c) Where protraction diagrams have been approved and the effective date has been published in the FEDERAL REGISTER, the application for land shown on such protraction diagrams and filed on or after the effective date shall contain a description of the land according to the section, township, and range shown on the approved protraction diagrams.

(d)(1) If the land has not been surveyed on the ground and is not shown on the records as covered by protraction diagrams, the application shall describe the land by metes and bounds, giving courses and distances between the successive angle points on the

boundary of the tract, in cardinal directions except where the boundaries of the land are in irregular form, and connected by courses and distances to an official corner of the public land surveys. In Alaska, the description of unsurveyed land shall be connected by courses and distances to either an official corner of the public land surveys or to a triangulation station established by an agency of the United States such as the Geological Survey, the National Oceanic and Atmospheric Administration, or the International Boundary Commission, if the record position is available to the general public.

(2)(i) If the land is acquired land in a non-public land state which has not been surveyed under the rectangular system of public land surveys, the land shall be described as in the deed or other document by which the United States acquired title to the lands or minerals.

(ii) If the land constitutes less than the entire tract acquired by the United States, it shall be described by courses and distances between successive angle points on its boundary tying by course and distance into an identifiable point listed in the description in the deed or other document by which the United States acquired title to the land.

(iii) If the description in the deed or other document by which the United States acquired title to the land does not include the courses and distance between the successive angle points on the boundary of the desired tract, the description in the application shall be expanded to include such courses and distances.

(iv) The application shall be accompanied by a map on which the land is clearly marked showing its location with respect to the administrative unit or project of which it is a part. It is not necessary to submit a map if the land has been surveyed under the rectangular system of public land surveys, and the land description can be conformed to that system.

(v) If an acquisition tract number has been assigned by the acquiring agency to the tract, a description by tract number will be accepted.

(vi) Any accreted land not described in the deed to the United States shall